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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

AMERICAN CIVIL LIBERTIES UNION,

Plaintiff,

v.

UNITED STATES IMMIGRATION AND
CUSTOMS ENFORCEMENT, et al.,

Defendants.

Case No. 4:23-cv-03450-DMR

**STIPULATION FOR LEAVE TO FILE
CORRECTED BRIEFS IN SUPPORT
OF DEFENDANTS' CROSS-MOTION
FOR SUMMARY JUDGMENT;
[PROPOSED] ORDER**

Pursuant to Civil Local Rule 7-12, Plaintiff American Civil Liberties Union ("Plaintiff") and Defendants United States Immigration and Customs Enforcement and United States Department of Homeland Security ("Defendants") hereby stipulate and agree as follows:

WHEREAS, on August 5, 2024, Defendants filed the Supplemental Declaration of Shawn O'Donnell ("Supp. O'Donnell Decl.") (ECF No. 57), which, in part, clarified and amended a statement in the original Declaration of Shawn O'Donnell (ECF No. 42), which Defendants determined upon further investigation was not accurate and required clarification. *See* Supp. O'Donnell Decl. ¶ 10.

WHEREAS, Defendants seek leave to file corrected versions of their briefs previously submitted in support of Defendants' Cross-Motion for Summary Judgment (ECF Nos. 40 & 46) to omit reference

to the inaccurate statement in paragraph 5 of the original O'Donnell Declaration and any argument based thereon.

WHEREAS, Defendants provided Plaintiff notice of the corrections they intend to make to their briefing, and Plaintiff consents to Defendants' filing of the corrected briefs.

NOW THEREFORE, the Parties hereby STIPULATE, by and through their undersigned counsel, that Defendants shall be granted leave to file a Corrected Cross-Motion for Summary Judgment and Opposition to Plaintiff's Motion for Summary Judgment and a Corrected Reply in Support of Cross-Motion for Summary Judgment. Defendants shall file the corrected briefs within one (1) business day of the Court entering an order on this stipulation.

DATED: August 6, 2024

Respectfully submitted,

ISMAIL J. RAMSEY
United States Attorney

/s/ David M. DeVito*
DAVID M. DEVITO
Assistant United States Attorney

Attorneys for Defendants

DATED: August 6, 2024

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* In compliance with Civil Local Rule 5-1(i)(3), the filer of this document attests under penalty of perjury that concurrence in the filing of this document has been obtained from the other Signatory.

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED. Defendants are granted leave to file a Corrected Cross-Motion for Summary Judgment and Opposition to Plaintiff's Motion for Summary Judgment and a Corrected Reply in Support of Cross-Motion for Summary Judgment. Defendants shall file their corrected briefs in support of Defendants' Cross-Motion for Summary Judgment within one (1) business day of the Court entering an order on this stipulation.

DATE:

The Honorable Donna M. Ryu
United States Chief Magistrate Judge